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## **TEXAS BOARD OF PROFESSIONAL ENGINEERS**

August 10, 2005

Mr. Mark Goodson, P.E.  
1007 Shady Oaks  
Denton, Texas 76205

RE: Policy Advisory Opinion Request for Multi-Jurisdictional P.E. Title Use and Response  
Dated November 15, 2004.

Dear Mr. Goodson:

This letter is to inform you of a change in the Texas Board of Professional Engineers (Board) policy regarding a professional engineer's identifying documentation. Your original request for a policy advisory opinion regarding the above subject, dated October 1, 2004 and the Board's official response, dated November 15, 2004, has been re-evaluated. Originally we stated that in accordance with Chapter 1001 of the Texas Occupations Code, the Texas Engineering Practice Act and Rules Concerning the Practice of Engineering and Professional Engineering Licensure (Act), professional engineers licensed in other states, but residing in Texas, cannot identify themselves as a P.E. on any correspondence nor offer or practice engineering in Texas, without being licensed in Texas. Since that response was accepted by the Board and sent to you, additional legal guidance and clarification has been brought to the Board's attention regarding First Amendment rights and specifically "commercial speech."

### ***DISCUSSION***

The Act defines this agency and engineer as follows:

#### **§ 1001.002. Definitions**

In this chapter:

- (1) "Board" means the Texas Board of Professional Engineers.
- (2) "Engineer" means a person licensed to engage in the practice of engineering in this state.

The Act also addresses the practice of engineering, as cited in the earlier response, in §1001.004., Legislative Purpose and Intent; Liberal Construction of Chapter; and that a license is required as defined in §1001.301., License Required.

While our Act supports a prohibition of any designation of "professional engineer" or "P.E." by anyone other than a Texas licensed professional engineer, there are first amendment legal arguments based on "commercial speech" that exist. Based on these, as well as a review of what other state licensing boards allow, our Board has decided to allow the designation to be used provided it is made clear that the individual is not licensed in Texas.

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### ***CONCLUSION***

On May 19, 2005, the Board approved an agency policy, consistent with the protection of the public of Texas. This policy only applies to those out-of-state professional engineers who do not offer to perform or perform engineering services in Texas. So as not to confuse the public sector and yet provide a clear definition of what is allowed, any professional engineer currently licensed in another state, but residing in Texas, and desiring to use their P.E. designation, must identify themselves on business cards and other correspondence as shown in the following example:

John W. Doe, P.E., Oklahoma  
(Not licensed in Texas)

Based on the cited law regarding engineering, area of authority, licensing, use of the engineer title, and the Board's recently approved policy, an individual not licensed in Texas, but currently licensed by another state, may identify themselves as a P.E., only in the manner shown above.

If you have any further questions, please contact C.W. Clark, P.E., Director of Compliance & Enforcement Division, at 512-440-7723.

Sincerely,

A handwritten signature in black ink, appearing to read 'DF', followed by a long horizontal line.

Dale Beebe Farrow, P.E.  
Executive Director

DBF:CWC:jsb